C.S. 100

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (CHHATISGARH)

W. P. NO.2970 OF 2004

PETITIONER

G T C Industries Limited, a Public Limited Company incorporated under Company's Act,1956 having its Registered Office at Tobacco House, Ville Parle (West), Mumbai Through its Special Power of Attorney Holder Rajiv Rajeshwari Mishra, S/o Sri Rajeshwari Mishra, aged about 47 years, Assistant Sales Manager R/o Plot No.1119, Behind Naresh Provision Stores, New Shanti Nagar, Raipur,District Raipur [Chhattisgarh]

P. R. No. 2930/04
Presented by Shri Amit Verma
dated 26-8-04

VERSUS

RESPONDENTS

1. State of Chhattisgarh through Secretary, Department of Revenue Mantralaya, Dau Kalyan Singh Bhawan, Raipur [Chhattisgarh]

2. Additional Collector, Durg, Distt. Durg [Chhattisgarh]

3. Tahsildar [Nazul], Durg, District Durg [Chhattisgarh]

4. Tobacco Employees Union through its Mahamantri Abdul Rashid, R/o W-1, Janata Quarter, Padmanabhpur, Durg, District Durg [Chhattisgarh]

5. M. P. Tobacco Company , Pulgaon, Kotia road, Durg, District Durg Through Manohar Ram, Director, Registered Office at 123-B, Rai Bahadur Road, Kolkata, [W.Bl]

शपथ आयुक्त, बिलासपुर

RECEIVED A COPY
26.8.04
Clerk to A. G. Bilaspur

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF WRIT IN NATURE OF CERTIORARI, MANDAMUS PROHIBITION AND OTHER SUITABLE WRIT OR WRITS, DIRECTION OR DIRECTIONS, ORDER OR ORDERS:

The petitioner, above-named, most respectfully submits as under:

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P.2970/ सन् 2004

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	2.9.2004 Shri Manindra Shrivastava, counsel for the petitioner. Shri Sanjay S. Agrawal, Govt. Advocate for the State/respondents No.1 to 3. The petitioner has preferred this petition being aggrieved by the order dated 29.7.2004 passed by the Tehsildar (Nazul) respondent No.3 in Revenue Case No.116-A/76/2001-2002 (Annexure P-1), whereby the Tehsildar had rejected the objection of the petitioner and proceeded with the auction of the plant & machinery which are of course belong to the petitioner and leased to respondent No.5. I have heard learned counsel for the parties. Learned counsel for the petitioner submits that the plant & machinery, which belong to the petitioner, were leased to respondent No.5 and some outstanding amount is there against respondent No.5 regarding arrears of wages to the labourers, for recovery of that amount as land revenue, respondent No.3 had initiated proceedings and plant & machinery were put to auction which belong to the petitioner, whereas, the petitioner is not liable to pay any wages to the labourers. The petitioner had raised objections before respondent No.3 and those objections had been rejected by respondent No.3 without valid reasons, without considering the documents and the case of the petitioner. Therefore, if the action of the respondents for auctioning the plant & machinery, which belong to the petitioner, is not stayed, the petitioner is going to suffer irreparable loss. Whereas, learned counsel for respondents No.1 to 3 submitted that the petitioner has already preferred a revision before the Collector against the order of the Tehsildar and the same is pending, therefore, this writ petition is not maintainable.	

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(91)

आदेश पत्रक

मामला क्रमांक W.P. 2970/ सन् 2004

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित - 2 -	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

In reply to this argument, learned counsel for the petitioner submitted that it is true that the petitioner has preferred a revision before the Collector and the same fact has been disclosed by the petitioner in this petition, but the Collector is not passing any order regarding stay or disposal of the revision and the matter is being adjourned without any order, therefore, the petitioner is left with no other alternative remedy, but to approach this Court. Learned counsel further submitted that if this petition is not entertained on the ground of filing of revision and also on the ground that the Collector is not passing any order on the revision filed by the petitioner then, the petitioner's right is in serious jeopardy without any adjudication of the matter and there is serious injustice to the petitioner.

With the consent of both the counsel, a final order is passed that the Collector is directed to dispose of the revision as early as possible. Further, respondent No.3 is directed that till the disposal of the revision, he should not part with the position of the plant & machinery in question, which is already under attachment.

With the above observations and directions, the petition stands disposed of.

Consequently, M.(W.)P.No.2591/2004 and I.A.No.6389/2004 also stand disposed of.

Parties are entitled for certified copy of this order.

Sd/-
L.C.BHADOO
Judge

Soma

[पीछे देखिये